

### **Remarks/Arguments**

Please reconsider the application in view of the above amendments and the following remarks.

#### **Finality of Office Action**

The Office Action Summary indicates that the Office Action dated March 17, 2008 is non-final, whereas page 12 of the Office Action indicates that the action is made final. The undersigned, applicants' attorney of record, contacted the examiner regarding this inconsistency and asked if the action could be treated as non-final. In a voice mail message on June 17, 2008, the examiner indicated that the Office Action was in the system at the PTO as a non-final action and kindly indicated that the action could be treated as non-final. Accordingly, applicants request reconsideration under 35 U.S.C. §1.112.

#### **Status of Claims**

Claims 1, 3-14 and 16-22 have been rejected. Claims 1, 3, 4, 6, 8, 10, 14, 16, 17, 19, and 21 are amended. Claims 1, 3-14 and 16-22 remain pending.

Independent claims 1, 10 and 14 have been amended to provide further clarification. In particular, claim 1 has been amended to recite positively the image display housing and the interior frames and to recite inferentially the exterior and interior images that can be displayed therewith. Independent claim 1 drawn to the image display have also been amended to recite that the frame selection button(s) are "associated respectively with one or more interior frames" such that activation of one of the frame selection buttons "causes a respective one of the one or more frames to be mechanically positioned out of the image display housing by non-linear pivotal movement." Independent claim 1 has been further amended to recite "the frame selection buttons are configured to initiate selection of the audio segments for broadcast such that one of the audio segments associated with a respective one of the interior images is selected when a respective one of the interior frames including the respective one of the interior images is selected." Independent claim 14 drawn to the image display has been similarly amended. Independent method claim 10 has similarly been amended to clarify "selecting and playing an audio segment associated with an image based on receiving a signal from the activated one of the

one or more frame selection buttons and receiving the signal from the first play button.” The dependent claims have also been amended for clarification and for consistency with the independent claims 1, 10 and 14.

### **Rejections under 35 U.S.C. §103**

Claims 1, 3-6, 8, 9, 14, 16-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,393,401 to Loudermilk et al. (“Loudermilk”) in view of U.S. Pat. No. 7,103,552 to Cornwell (“Cornwell”), U.S. Pat. No. 5,574,519 to Manico, et al. (“Manico”), U.S. Pat. No. 6,446,376 to Chan (“Chan”) and U.S. Pat. No. 5,748,577 to Sakiyama (“Sakiyama”). Applicants respectfully traverse this rejection.

Claims 1 and 14 are directed to image displays including, *inter alia*, one or more interior frames or image display means, and one or more frame selection buttons or interior display means selection switches associated respectively with the interior frames to cause the respective frames to be mechanically positioned out of an image display housing. As mentioned above, independent claims 1 and 14 have been amended to clarify that the frame selection buttons or selection switches are also configured to initiate selection of audio segments for broadcast such that an audio segment associated with an image on one of the frames is selected when the respective frame is selected for mechanical positioning out of the housing.

Applicants submit that one of ordinary skill in the art would not combine the references as proposed in the office action because the combination would render one or more of the devices in those references inoperable for its intended purpose and/or would change the principle of operation of the references. See MPEP 2143.01. In particular, even if Manico could be combined with Cornwell and Loudermilk, further combining Chan with the Loudermilk/Cornwell/Manico combination would destroy the principle of operation. Because Manico is relied on to teach one or more interior images removably displayed on one or more interior frames that move out of the display housing, presumably the combination would operate according to the principles taught by Manico. Manico discloses a cartridge 50 containing a stack 60 of prints but the cartridge is movable in and out of the display to cause the prints to be incremented and displayed (see Manico, col. 3, lines 40-52, and col. 4, lines 7-14). Thus, the

purpose of moving the cartridge 50 out of the housing is to increment the prints in the stack 60 such that a new print (i.e., the bottommost print on the stack 60) is displayed.

In contrast, Chan, which is relied on to teach the frame selection buttons, uses a movable selector 70 to engage individual frames 30 for pivoting and displaying photographs on those frames (see Chan, col. 3, lines 24-29). Incorporating such a movable selector 70, or even an element that operates with a similar principle, into a device that operates similar to Manico would require a change in the principle of operation of Manico. In particular, if the stack 60 of prints in Manico were separated into individual frames for individual selection, the Manico device and the Loudermilk/Cornwell/Manico combination would be unsatisfactory for its intended purpose of incrementing the prints in the stack. Quite simply, such a modification would not have been obvious to one of ordinary skill in the art without the benefit of improperly using applicants' own application as a road map.

Moreover, applicants submit that the combination of references proposed in the Office Action fails to result in an image display with each and every element and limitation recited in the claims, as amended. Applicants are unable to find any disclosure in any of the cited references of frame selection buttons (or selection switches) that select both an interior frame for mechanically positioning out of the display housing and an associated audio message to be broadcast. The Office Action relies on the movable selector 70 in Chan as teaching the frame selection buttons or switches. The movable selector 70 is a disc with a selector finger 72 (see FIG. 2 of Chan) that engages hooks 38 of the selected photo frames 30 (see Chan, col. 3, lines 24-29). Even if combined with Loudermilk, Cornwell, Manico and Sakiyama, as proposed in the Office Action, this movable selector 70 would not be capable of selecting audio segments for broadcast.

Thus, the proposed combination of Loudermilk, Cornwell, Manico, Chan, and Sakiyama would not have been obvious to one of ordinary skill in the art at the time the invention was made and would not have resulted in the image display recited in independent claims 1 and 14. Accordingly, applicants request withdrawal of the rejection of independent claims 1 and 14, and any claims dependent therefrom, under 35 U.S.C. 103(a) over the Loudermilk/Cornwell/Manico/Chan/Sakiyama combination.

Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk, Cornwell, Manico, Chan, Sakiyama and further in view of U.S. Pat. No. 5,954,514 to Haas et al. ("Haas"). Applicants respectfully traverse this rejection.

Claims 7 and 20 are dependent, either directly or indirectly, from independent claims 1 and 14 and thus incorporate by reference the limitations recited therein. Haas is cited as allegedly teaching first and second play buttons and does not appear to resolve any of the deficiencies with the Loudermilk/Cornwell/Manico/Chan/Sakiyama combination discussed above in connection with independent claims 1 and 14. Applicants submit therefore that dependent claims 7 and 20 would not have been obvious for the reasons stated above as well as for the additional limitations recited therein.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk in view of Cornwell, Manico, Chan, and Sakiyama. Applicants respectfully traverse this rejection.

Independent claim 10 is directed to a method for associating audio segments with images in an image display. The method claim 10 recites activating a frame selection button to display interior images by mechanically positioning a respective frame and selecting and playing an audio segment associated with an interior image based on receiving a signal from the activated frame selection button and a signal from a play button.

In making this rejection, the Office Action relies on the same Loudermilk/Cornwell/Manico/Chan/Sakiyama combination used to reject independent claims 1 and 14. For the same reasons discussed above in connection with independent claims 1 and 14, applicants submit that one of ordinary skill in the art would not combine the references as proposed in the office action. Moreover, applicants submit that the combination of references proposed in the Office Action fails to result in the method recited in claim 10, as amended. In particular, the proposed combination would not result in a method that selects and plays an audio segment associated with an image based on receiving a signal from the activated frame selection button and receiving a signal from a play button. Chan, which is relied on as teaching frame selection, does not disclose or teach a frame selection button activation that would also result in selecting and playing an audio segment.

Thus, the proposed combination of Loudermilk, Cornwell, Manico, Chan, and Sakiyama would not have been obvious to one of ordinary skill in the art at the time the invention was made and would not have resulted in the method recited in independent claim 10. Accordingly, applicants request withdrawal of the rejection of claim 10, and any claims dependent therefrom, under 35 U.S.C. 103(a) over the Loudermilk/Cornwell/Manico/Chan/Sakiyama combination.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loudermilk, Cornwell, Manico, Chan, Sakiyama and further in view of Haas. Applicants respectfully traverse this rejection.

Claims 11 and 13 are dependent from independent claim 10 and thus incorporate by reference the limitations recited therein. Haas is cited as allegedly teaching selecting and playing audio segments associated with an exterior image and selecting and playing an audio segment associated with back or front facing images. However, Haas does not appear to resolve any of the deficiencies with the Loudermilk/Cornwell/Manico/Chan/Sakiyama combination discussed above in connection with independent claim 10. In particular, applicants are unable to find any disclosure in Haas of frame selection buttons that both select a frame for mechanical positioning and select an audio segment. Applicants submit therefore that dependent claims 11 and 13 would not have been obvious for the reasons stated above as well as for the additional limitations recited therein.

### **Conclusion**

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated March 17, 2008, and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Please apply any charges not covered, or any credits, to Deposit Account 50-2121 (Reference Number 033964-1050).

Appl. No. 10/782,437  
Amendment dated June 17, 2008  
Reply to Office action of March 17, 2008

Respectfully submitted,

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